**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

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|---|----------------------|------------------------|----------|
| <b>TRANSMITTAL<br/>FORM</b><br>(to be used for all correspondence after initial filing) | Application Number   | 09/715,764             |          |
|   | Filing Date          | November 15, 2000      |          |
|   | First Named Inventor | Lenz, et al.           |          |
|   | Art Unit             | 1634                   |          |
|   | Examiner Name        | Sitton, J.S.           |          |
| Total Number of Pages in This Submission  | 6                    | Attorney Docket Number | USC 0739 |

**ENCLOSURES (check all that apply)**

|  |  |  |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Supplemental Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s)<br>(please identify below):<br><b>Return Receipt Postcard</b> |
| <b>Remarks</b>   |  |  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                         |   |
|-------------------------|---|
| Firm or Individual name | Bingham McCutchen LLP<br>Antoinette F. Konski |
| Signature               | <i>Antoinette F. Konski</i>                   |
| Date                    | December 2, 2004                              |

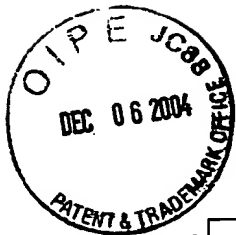
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

|                       |                      |      |                  |
|-----------------------|----------------------|------|------------------|
| Typed or printed name | Peggy Nichols        |      |                  |
| Signature             | <i>Peggy Nichols</i> | Date | December 2, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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1634  
JFV

Docket No. USC 0739

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Dated: December 2, 2004

Name of Person Certifying: Peggy Nichols

Printed Name: Peggy Nichols

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Lenz et al.

Confirmation No.: 7045

Filing Date: November 15, 2000

Examiner: Sitton, J.S.

Serial No.: 09/715,764

Group Art Unit: 1634

Title: **GENOMIC POLYMORPHISM FOR PREDICTING THERAPEUTIC  
RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Dear Sir:

This paper is submitted in reply to the Notice of Non-Compliant Amendment issued November 15, 2004, by the U.S. Patent and Trademark Office in connection with the above-identified application. A response to this Action is due December 15, 2004. Accordingly, this reply is timely filed.

The Amendments begin on page 2 of this Reply.